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**Montana Fish,
Wildlife & Parks**

Montana Fish & Wildlife Commission

MINUTES

Montana Fish and Wildlife Commission Meeting

Montana WILD
2668 Broadwater, Helena

October 8, 2015

Commission Members Present: Dan Vermillion, Chairman, Richard Stuker Vice-Chairman,
Richard Kerstein, Matt Tourtlotte and Gary Wolfe

Fish, Wildlife & Parks Staff Present: M. Jeff Hagener, Director and FWP Staff.

Guests: October 8, 2015 - See Commission file folder for sign-in sheet.

Topics of Discussion:

1. Call to Order and Pledge of Allegiance
2. Approval of Minutes of the August 25, 2015 Commission Meeting
3. Approval of August and September Commission Expenses
4. Commission Reports
5. Director's Report
6. 2016 Commission Meeting Calendar – Proposed
7. Montana Radio Company LLC Request to Place and Operate Radio Tower on FWP land – Endorsement
8. Water Supply Update
9. Waters Approved for Commercial Bait Seining Annual Rule – Proposed
10. ARM Amendments Regarding Removal of Ice Shelters on Lake Helena and Hauser Lake – Proposed
11. Toston Fishing Access Site Land Disposal and MDT Hwy 287 Bridge Realignment – Endorsement
12. Proposed Land Trade for White Bear Fishing Access Site – Endorsement
13. Potential Lease from the City of Stevensville for Fishing Access Site (Bitterroot River) - Endorsement
14. Upper Clark Fork Phase 1 Annual Rule Extension – Final
15. Termination of the Blackfoot River Closure Rule (near the I-90 Bridge) – Final
16. Teakettle Fishing Access Site Temporary Closure – Final
17. Waterfowl Regulations - Central Flyway Duck Zone Adjustments (to match the goose zones) – Proposed
18. Unlocking Public Lands Commission Rules – Proposed
19. 2015 - 2016 Wolf Regulation/Trapper Certification - Final
20. 2016 Brucellosis Annual Work Plan – Final
21. 2015 Elk Plan Objective Adjustments – Final
22. Guidelines for Elk Shoulder Seasons – Final
23. 2015 Elk Late Shoulder Seasons (Contingent Upon Commission Action for Elk Shoulder Season Guidelines Above) – Proposed
24. Public Comment – For Issues Not On This Agenda

1. Call to Order - Pledge of Allegiance

Chairman Vermillion called the meeting to order at 8:31 a.m. and led the Pledge of Allegiance.

2. Approval of Minutes of the August 25, 2015 Commission Meeting

Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion to approve the Minutes of the August 25, 2015 Commission Meeting. Motion passed.

3. Approval of August and September Commission Expenses

Action: Vice-Chairman Stuker moved and Commissioner Tourtlotte seconded the motion to approve the August and September Commission expenses. Motion passed.

4. Commission Reports

Commissioner Wolfe stated he attended the Region 1 Citizens Advisory Committee (CAC) meeting; discussed concerns related to the Hunter Apprentice Program and hunter safety registration decline; and the revised Game Damage Administrative Rules of Montana (ARM) and shoulder season proposals, confusion between the two, better understanding at the end of the meeting. Attended the Smith River Advisory Council meeting; launchers and floaters on the river were down this year, mainly due to low water levels; discussions on electric fences and upcoming regulations changes; Tintina Resources presented an informative presentation on their proposed copper mine near the headwaters of the Smith River on Sheep Creek. Received a lot of correspondence on the elk shoulder season and wolf online certification proposals.

Commissioner Tourtlotte reported he received correspondence on the elk shoulder season and game damage ARM proposal; a lot of confusion is still out there. A woman from Spokane, WA called concerning the online wolf trapping certification; well thought out opinions. Moving forward with the hiring of a Region 5 Supervisor.

Commissioner Kerstein stated the Region 6 Supervisor position is also in the process of being hired. Attended a hunting district (HD) 410 meeting to discuss elk management; good meeting between the Department and landowners. Attended Region 6 CAC meeting; discussed fishing opportunities on Fort Peck; bison issues, CAC is opposed to any bison introduction; presentation on block management. Attended a Buffalo People's Treaty meeting/summit; toured bison ranch, bison are doing well. Received a call from Natural Resources Conservation Service (NRCS) who stated Pheasants Forever approved funding for three positions in Montana.

Vice-Chairman Stuker thanked Commissioner Kerstein for attending the HD 410 meeting. Received calls commending Region 4 for working on a solution in that area; thanked Supervisor Gary Bertellotti and staff for their hard work. Received several calls on elk shoulder seasons and bison issues. Attended an elk working group meeting in south Phillips County; something needs to be done; with the way things have evolved and moved forward, there is support for elk shoulder seasons in this area.

Chairman Vermillion reported he has received correspondence on the elk shoulder season; received emails from local gentlemen who were hunting birds near Ekalaka and trying to get on Block Management; a noncommercial sharptail competition was being held on the Block Management area and they were unable to get in; perception conveyed isn't right; early season field trial work is occurring in eastern Montana and in some places it is starting to interfere with the general bird season; hunters recommended opening grouse season two weeks earlier; asked the Department to consider as a tentative proposal. Wildlife watchers have been converging into Tom Miner Basin to watch grizzly bears; important for people to see the bears outside the park in a way that is not threatening as normally perceived. Several people have commented/thanked for the Hunter Apprentice Program opportunity; always made it clear it was a legislative statute. U.S. Representative Lummis has presented a bill to mandate paddling on the waters in/around Yellowstone National Park; could affect Yellowstone Cutthroat and change the fishing experience; dangerous precedence. Received several calls complaining there are roads closed along the east and west side of the Crazy Mountains; public lands that landowners are closing.

5. Director's Report

Director Hagener reported the Department went before the Environmental Quality Council (EQC) and met with various groups trying to clarify the misunderstandings regarding the elk shoulder seasons. Governor issued a second Executive Order for the sage grouse program; Carolyn Sime has been hired as the coordinator for the program; expectation is the plan will be up and running by January 1, 2016. Fish and Wildlife Service (FWS) issued a not warranted for protection for sage grouse; Montana and Wyoming received several kudos; a few states have sued the Department of Interior (DOI) because of the Bureau of Land Management's (BLM) sage grouse plan being too strict. Next Finding Common Ground meeting is Tuesday, October 20 in Bozeman. Both species of bears and mountain lion activity has increased, especially in urban areas; had to euthanize some bears. In the process of interviewing for Region 5 and 6 Supervisor positions. Extensive discussions on the delisting of the Greater Yellowstone grizzly bears have taken place between the states of Montana, Wyoming, and Idaho, Fish and Wildlife Service (FWS), National Parks Service (NPS) and National Forest Service (NFS) over the past couple years; hoping to have a delisting rule out by January 1, 2016; FWS will then put the rule out for public comments. Defenders of Wildlife and Center for Biological Diversity filed a lawsuit for an injunction to stop construction on the Intake Dam diversion project which was granted; Corps of Engineers and Bureau of Reclamation (BOR) were hoping to start construction this fall; project has been halted until further review and an Environmental Impact Statement (EIS) is done; pallid sturgeon numbers are less and are getting older; major issue. FWS is conducting a species status assessment on lynx and have assembled an expert panel; FWP employee Jay Kolbe is on the panel. Recovery plan for bull trout was recently released. Attended Association of Fish and Wildlife (AFWA) meeting; discussions on the Endangered Species Act (ESA) and Land and Water Conservation Fund (LWCF). LWCF has not been reauthorized by congress and expired September 30; LWCF is the Department's primary funding source for nongame species and also impacts the dollars for managing endangered species. (AFWA video was shown after Director's report)

6. 2016 Commission Meeting Calendar – Proposed

Director Hagener explained the proposed calendar is scheduled a year in advance; November meeting has been moved back one week due to holidays; August conference call is no longer needed; like to move meetings around the state; best time for out-of town meetings are: March, June, August or October; recommends having a meeting in Region 1.

Chairman Vermillion suggested letting the Commissioner in the particular district pick where he would like to have the meeting; recommends Libby in the summer and Forsyth in October.

Vice-Chairman Stuker stated if a meeting will be held in Region 6, March would work the best.

Commissioner Wolfe recommends having the meeting in Libby for a number of reasons; June or August meeting would work the best for this area.

Director stated Darlene Edge has been promoted to the Lands Program Manager.

7. Montana Radio Company LLC Request to Place and Operate Radio Tower on FWP land - Endorsement

Gary Bertellotti, Region 4 Supervisor, explained FWP is seeking the Commission's endorsement to proceed with a proposal from Montana Radio Company (MRC) to place a 499-foot high radio tower on FWP land above the Great Falls Sport Shooting Complex (GFSSC) north of Great Falls. MRC approached FWP with its proposal in 2014 but had other permits and approvals to complete, including those from the Federal Aviation Administration (FAA), Cascade County, and Malmstrom Air Force Base. FWP completed an Environmental Assessment (EA) before beginning any official process or consideration and in May, MRC had secured most of the needed permits. FWP provided input to Cascade County and completed an EA with a 30-day public comment period; three comments were received; one for, one neutral and Sheffels Farms, Inc. opposed. FWP and MRC met with members of the GFSSC to assess options and alternatives; GFSSC members concluded the tower would not be problematic. FWP would assess all details and develop a contractual agreement for use of the property. The proposed location has two existing communication towers, approximately 200 feet tall and a small building on site. The tower would provide Fort Benton and surrounding communities with radio service and station reception from MRC.

Action: *Vice-Chairman Stuker moved and Commissioner Tourtlotte seconded the motion that the Fish and Wildlife Commission endorse the proposal to place a Montana Radio Company radio tower on FWP property north of Great Falls.*

Vice-Chairman Stuker asked what the Pilots Association stance is on this proposal; has received calls from their members.

Bertellotti explained the Pilots Association is probably still opposed to the proposal because of the height itself; the tower will be illuminated under Federal regulations; the Federal Aviation Administration (FAA) and FWS have approved.

Kevin Terry, MRC, explained the background of the proposal; has had many challenges.

Chairman Vermillion asked what the nature of Sheffels Farms, Inc opposition was.

Terry stated he only met with them once; they don't want any towers, visual aspect, concerned about aviation. Tower will have multiple uses available.

Vice-Chairman Stuker asked what type of revenue is expected.

Bertellotti stated it is estimated to be \$3,000-\$5,000 per year and the money would be put in the real property trust account.

Vice-Chairman Stuker stated he serves on a cell phone telephone board and that amount seems a little low.

Chairman Vermillion asked if this is a fee simple transfer or a lease, and if so, how long is the lease for.

Bertellotti stated it is a perpetual lease.

Commissioner Wolfe asked how large if the FWP property and what is the use.

Bertellotti stated the area is 640 acres and the impact zone is close to an acre; a local farmer leases a portion of the property, Great Falls Sport Shooting Complex, and other communication towers are currently on FWP property.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

8. Water Supply Update

Bruce Rich, Fisheries Administrator, stated there is nothing significant to report on the water supply.

9. Waters Approved for Commercial Bait Seining Annual Rule – Proposed

Bruce Rich, Fisheries Administrator, explained a bait fish seining license is required for: persons 15 years of age and older to seine for and transport bait fish for commercial purposes in Montana, and any person who seines for and has in their possession more than 24 dozen non-game bait fish. The Commission may designate waters that are allowed for these purposes; FWP describes these waters annually in the Commercial Bait Seining Application form. If approved by the Commission, the current list of approved waters will be released for a 15-day public comment period, and proposed for final approval at the November meeting. Evaluation by biologists and Fisheries program managers confirmed waters in the current list can still support commercial bait seining, as previously approved by the Commission in 2015. The list of approved seining waters are:

Western Fishing District

Ashley Creek, Burnt Lake, Flathead County, Clark Fork River (mouth of Flathead River to Thompson Falls Dam), Fish Lake, Lincoln County, Flathead Lake (north half only), Flathead River (mouth to Highway 2 Bridge) plus adjacent sloughs, Flathead River (Flathead Reservation boundary to confluence with Clark Fork River), Herring Creek (Little Bitterroot tributary), from May 15 to June 17 between Little Bitterroot Lake and the first road crossing (Pleasant Valley Road), Noxon Rapids Reservoir, Upper, Lower and Middle Thompson Lakes.

Central Fishing District

Bighorn Lake and Afterbay Reservoir, Bighorn River - Afterbay Dam to cable 600 feet downstream and below Bighorn Access Area, Clarks Fork Yellowstone River - downstream from bridge at Bridger, Kammerzell Reservoir, Marias River & tributaries downstream from Interstate 15, Missouri River downstream from Morony Dam, Muddy Creek Drainage near Vaughn, including all streams and drainage canals, Streams and ditches in the Yellowstone River Drainage downstream of the mouth of the Clark Fork, Teton River & tributaries downstream from Interstate 15, Tiber Reservoir (Lake Elwell) & tributaries downstream from Interstate 15.

Eastern Fishing District

Streams - Nongame bait fish may be taken from all streams in the Eastern District except the following: Milk River and tributaries above Fresno Dam, Beaver Creek upstream from Beaver Creek Reservoir, Big Dry Creek and Little Dry Creek north of Highway #200 in Garfield County, Hanging Woman Creek downstream from the Birney Road to its confluence with the Tongue River, Otter Creek downstream from Highway #212 to its confluence with the Tongue River, Lone Tree Creek and Fox Creek, tributaries to the Yellowstone River in Richland County, Missouri River downstream from the mouth of the Milk River.

All irrigation canals and ditches in the Eastern Fishing District are open year around for taking nongame bait fish.

Nongame bait fish may be taken from the following reservoirs in the Eastern Fishing District:

<u>WATER</u>	<u>COUNTY</u>	<u>WATER</u>	<u>COUNTY</u>
Anita Reservoir	Yellowstone	Lindsay Reservoir	Dawson
Bainville Railroad Ponds	Roosevelt	Medicine Lake Nat'l. Wildlife Refuge	Sheridan
Baker Lake	Fallon	Milk River and its impoundments downstream of Fresno Dam	
Beaver Creek Reservoir	Hill	Nelson Reservoir	Phillips
BLM Reservoirs	Blaine, Phillips	Petrolia Reservoir	Petroleum
BLM Reservoirs in Willow Creek Drainage	Valley	Raymond Reservoir	Sheridan
Box Elder Reservoir	Sheridan	Shoot Reservoir	Valley
Buxbaum West Reservoir	Richland	Spotted Eagle Pond	Custer
Cole Ponds	Phillips	Talcott Pond	Carter
Dry Fork Reservoir	Blaine	Tongue River Reservoir	Big Horn
Engstrom Reservoir	Sheridan	Tripple Crossing Reservoir	Valley
Frenchman Reservoir	Phillips	Valley Reservoir	Valley
Gartside Reservoir	Richland	VR2 Reservoir	Valley
Grub Reservoir	Valley	Wards Reservoir	Valley
Gut Shot Reservoir	Valley	Whiteside Reservoir	Garfield
Hedstrom Reservoir	McCone	Whitetail Reservoir	Daniels
Killenbeck Reservoir	Daniels	Wibaux Pond	Wibaux
Kuester Reservoir	Richland		

Regulations are as follows:

- Seining Permit. Any person who has in possession more than 24 dozen minnows or nongame bait fish is considered a commercial operation.
- Live bait may not be imported into the State of Montana for commercial or other purposes without department authorization.
- Net and Trap Requirements: Bait fish may be taken with hook and line; or with seines no larger than 12 feet by 4 feet; or with minnow traps (the dimensions shall not exceed 24 inches x 12 inches x 12 inches); or with cast nets (maximum 6-foot radius) and dip nets (no larger than 3 feet x 3 feet). All unattended fishing devices must have the angler's name and phone number or name and ALS# attached to it.
- No portion of salmonids may be used for live or cut bait except the eggs of char, cisco, grayling, salmon or trout.
- Parts/pieces of bass, burbot (ling), channel catfish, crappie, northern pike, paddlefish, sauger, shovelnose sturgeon, tiger muskellunge, walleye, or yellow perch may be used as bait if edible portions are not wasted.
- Nongame fish may be captured for commercial purposes in accordance with ARM Section 12.7.201-12.7.206, and in accordance with standard regulations or exceptions for each water.
- Nongame fish that are freshly killed or have been preserved by freezing, salting or pickling may be used as bait on all waters not restricted to artificial flies and lures. Heads and entrails of non-game fish may also be used as bait.
- Sculpins (genus *Cottus*) may not be used as bait (live or dead) in the Western Fishing District.
- Black bullheads, bluegill, carp, goldfish, green sunfish, pumpkinseed, rainbow smelt, sculpins, stonecats, yellow bullheads, shortnose gar, sturgeon chub, sicklefin chub, Northern redbelly dace, blue sucker and pearl dace may not be transported live or used as live bait in Montana.
- This license is not valid on Indian Reservation waters; for information, contact local tribal officials.
- Restriction within identified contaminated bodies of water: Transportation of aquatic bait animals (including minnows) is approved from contaminated bodies of water in water from a noncontaminated source when allowed per fishing regulations. See attached. (ARM 12.5.701-2)

Action: *Commissioner Tourtlotte moved and Commissioner Wolfe seconded the motion that the Commission propose the Commercial Bait Fish Seining Waters list recommended by FWP, and initiate the public involvement process.*

Chairman Vermillion asked if there is a robust commercial bait seining industry in Montana.

Rich stated yes.

Chairman Vermillion and Rich discussed the movement/transfer of aquatic species around the state.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

10. ARM Amendments Regarding Removal of Ice Shelters on Lake Helena and Hauser Lake – Proposed

Bruce Rich, Fisheries Administrator, explained the sunrise-sunset requirement for ice shelter removal on Hauser Lake and Lake Helena was put in place when kokanee salmon were abundant; it was a common practice to set up shelters and leave them for long periods of time which blocked access for others; kokanee abundance has reduced and blocked access is less, so the requirement is no longer necessary. To implement this proposal, ARM 12.6.106 needs to be amended and must be initiated now in order to meet timelines for the 2016 Montana Fishing Regulations booklet. Notice of the proposed ARM amendments would be filed with the Secretary of State, public comment period would take place in November, final action at the January Commission meeting, and the 2016 Montana Fishing Regulations would reflect any final adopted amendments. The recommended changes are as follow:

12.6.106 REMOVAL OF SHELTER

- (1) Removal each day.
 - (a) Users of fishing shelters on the following waters shall remove such shelters in their entirety from the ice each day after fishing:
 - (i) Brown's Lake
 - (ii) Georgetown Lake
 - (iii) Deadman's Basin
 - (iv) Echo Lake
 - (v) Fitzpatrick Lake
 - (vi) Helena Valley Equalizing Regulating Reservoir.
 - ~~(b) Users of fishing shelters on the following waters may not set said shelters on the ice until after sunrise and must remove said shelters in their entirety from the ice and from the area before sunset each day. This includes removal from all adjacent private and public property unless special permission is granted:
 - ~~(i) Hauser Lake~~
 - ~~(ii) Lake Helena~~~~
- (2) Removal after season. The owner of a fishing shelter shall remove the shelter from the area and from public property and properly dispose of it within seven days after the close of ice fishing season or within five days of receiving notification to remove. If there is no closure or removal notice or spring thaw precedes the closure date, a fishing shelter must be removed from the ice before being made irretrievable via over ice means and must be disposed of within seven days.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission approve for public comment the proposed amendments to ARM 12.6.106 Removal of Shelter.

Chairman Vermillion and Rich discussed the thought process behind the requirement of removing ice shelters.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

11. Toston Fishing Access Site Land Disposal and MDT Hwy 287 Bridge Realignment – Endorsement

Bruce Rich, Fisheries Administrator, explained the Toston Fishing Access Site (FAS) is located along the Missouri River near on Highway 287 in Broadwater County. The Montana Department of Transportation (MDT) is planning the realignment of the Highway 287 bridge that crosses the Missouri River at Toston. This realignment will encroach upon the Toston FAS with fill material covering about 1.1 acres of the site. The existing road to the FAS will be abandoned; MDT will construct a new access road about one-half mile to the south and compensate FWP for the fair market value of the property lost; payment for the land would be deposited in FWP's real property trust account for FWP land management activities. With Commission approval, an EA would be prepared, public comment solicited, as required for the disposal of any portion of the Toston FAS property and construction of the new access road. MDT will prepare a separate EA for the Highway 287 bridge construction and realignment.

Action: Commissioner Kerstein moved and Vice-Chairman Stuker seconded the motion that the Commission approve FWP's proposal to initiate an Environmental Assessment and associated public comment for the disposal of a 1.1-acre portion of the Toston FAS as required for the MDT Montana Highway 287 bridge realignment project.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

12. Proposed Land Trade for White Bear Fishing Access Site – Endorsement

Bruce Rich, Fisheries Administrator, explained the White Bear FAS is a 46-acre site located south of Great Falls and offers limited angling or other recreational opportunities. The FAS is located in a residential subdivision that adds to public safety concerns. Problem behaviors have developed involving alcohol, illegal drugs, violent behavior, public disturbance, vandalism, and littering. In March the Commission approved a temporary closure to help remedy public concerns from June 1 through September 6, 2015, and in May endorsed

a request to pursue acquisition of a 57-acre parcel located on the Sun River near Vaughn. During that process, the owner has expressed interest in acquiring the White Bear FAS through purchase or trade. The Sun River site has one-third mile of Sun River frontage that, unlike White Bear FAS, offers high quality angling and other recreational opportunities, has three ponds, and is located rurally, minimizing conflict between home owners and various recreational activities; local users support this development. On July 8, the Commission met with the Region 4 CAC in Great Falls, where Director Hagener proposed the possibility of selling or trading White Bear for a different site; public sentiment supported a long term solution. On July 16, FWP met with Cascade County Commissioners, who all supported the proposal. Public comment was solicited during the proposed closure of White Bear FAS.

Action: Vice-Chairman Stuker moved and Commissioner Kerstein seconded the motion that the Commission endorse FWP's request to perform due diligence toward the trade of 56 acres of land on the Sun River in exchange for the White Bear FAS.

Commissioner Wolfe asked what the potential new owner's intent is for the property.

Rich stated the site is platted for three lots; investor would probably split the lots and develop them.

Chairman Vermillion asked about the water flows on the Sun River in August.

Grant Grisak, Region 4 Fisheries Manager stated the Sun River offers high quality trout fishing and whitefish angling; in the spring and fall the fish migrate to tributary streams to get out of the warm weather and the low flows; move back into this stretch of the river quickly and frequently.

Chairman Vermillion asked if the fishing opportunity is better at the Sun River property or White Bear FAS.

Grisak stated the angling resources are far better at this section of the Sun River; there is a FAS two miles upstream, have a good measure of what to expect. White Bear FAS does not offer much angling; fish populations are low and consist mainly of nongame type fish.

Chairman Vermillion endorsed only allowing one housing unit and the rest green space on the White Bear FAS trade; high quality riparian area.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

13. Potential Lease from the City of Stevensville for Fishing Access Site (Bitterroot River) – Endorsement

Bruce Rich, Fisheries Administrator, explained FWP has been interested in developing a FAS in the Stevensville area on the Bitterroot River for many years. At present, this area does not have a publically owned boat access to the Bitterroot River of any kind. The nearest access sites to Stevensville are the Bell Crossing FAS, seven miles south; and Florence Bridge FAS, 10.5 miles north. The public launches boats from a pioneered site near the Stevensville Bridge. At the request of Roy Capp, a local resident and ranch owner, a recent survey was completed and it indicated Mr. Capp as owner of the property; the property involves fewer than five acres. Mr. Capp is interested in a land exchange with the Town of Stevensville; he would receive acreage owned by the town adjoining his ranch, and the town would acquire the property currently used for river access. The town is interested in the exchange and feels the community would benefit economically and recreationally if the access could become a publically owned site. The town does not have staff or funding to build or maintain a fully functional access site, and is interested in partnering with FWP; the town would own the site and FWP would develop and maintain a FAS under a long-term lease agreement. If an exchange between Mr. Capp and the town does not happen, FWP would be interested in alternative arrangements directly with Mr. Capp in order to develop the site; Mr. Capp has indicated he wants the site to be publically owned, but he does not want to be privately responsible for public access to the river. Pending Commission endorsement, FWP would initiate due diligence towards developing an FAS including negotiations with Mr. Capp and the Town of Stevensville, with public involvement throughout the process.

Action: Commissioner Wolfe moved and Commissioner Kerstein seconded the motion that the Commission endorse further due diligence towards establishing an FWP managed Fishing Access Site near Stevensville.

Chairman Vermillion and Rich discussed legislative prohibitions and acquisitions.

Chairman Vermillion asked for public comment.

Chairman Vermillion stated this is a great project; anytime you can get access to this particular river, it is a job well done.

Action on Motion: Motion Passed.

14. Upper Clark Fork Phase 1 Annual Rule Extension – Final

Bruce Rich, Fisheries Administrator, explained the Department of Environmental Quality (DEQ) is conducting a phased cleanup project to remove contaminated soils in the streambanks and historic floodplain of the Clark Fork River near Warm Springs. Phase 1, initiated in March 2013, began below Warm Springs Ponds and proceeded downstream for approximately 1.75 river miles; for safety, construction

included restrictions on public access. Phase 1 cleanup is completed, including replacement of soil, planting and seeding on more than 50 acres. The site's vegetation is thriving, but plants have had at most, two growing seasons and are still vulnerable to foot traffic from renewed public access. Phase 2 is under construction with equipment using a road within the Warm Springs Wildlife Management Area (WMA) adjacent to the north boundary of Phase 1 and south boundary of Phase 2 project area. The current closure, which entails the west portion of the WMA and the river through this area, has protected anglers from encountering heavy equipment. To help Phase 1 vegetation establish, and to provide necessary public safety for Phase 2, DEQ is requesting FWP to continue the current closure of 1.75 miles of river, the eastern portion of the WMA road, and add the 68-acre portion of the WMA located between the road and the construction zone. Public comment ran August 28 - September 11; one comment was received supporting the closure. Public safety would be a concern in the vicinity of the Phase 2 cleanup area within the WMA and the WMA road. Work here might stop completely if health and human safety conditions are deemed unsafe and new vegetation already completed could be damaged by public foot traffic. The DEQ and the Natural Resource Damage (NRD) program have spent about \$10 million on remediation and restoration of this area and the vegetation and floodplain need time to recover. With the floodplain closed by DEQ and no reasonable way for the public to exit the river otherwise, no alternatives beyond implementing the extended closure are recommended.

Action: Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission adopt the annual rule closing 1.75 river miles of the Clark Fork River, 68 acres of the Warm Springs WMA, and 1/3 mile of the WMA road.

Chairman Vermillion stated he is troubled by the fact that we continue this closure year after year; at some point the public needs to be allowed back in this area; at what point will this area be open to the public?

Pat Saffel, Region 2 Fisheries Manager, stated this closure is an investment of the vegetation that is going to hold this area together for the next several decades, one more year of closure is necessary for the vegetation to take hold; keeping long term in mind; not a lot of push-back from the public.

Chairman Vermillion stated when he drives through it looks like the willows are doing well.

Saffel stated the willows are doing well, planting was done in phases so there are parts that are less mature; pushing on NRD and DEQ to open as well.

Steve Adkins, Helena, stated when you are talking decades, that is a long period of time to let this body of water be unused for the public; have you ever considered permits.

Saffel explained the long term plan for this project; keeping this area closed for one more year for decades to come the river is stable; have not considered permits only.

Katie Garcin DEQ Environmental Science Specialist, stated the area has been open for one month there is already substantial trampling and trails; \$6.5 million has been invested into the streambanks and are starting to slump; a one year extension allows protection a little longer; DEQ is very cognizant of allowing people back on the river. (handed out pictures of the Phase 1 area that is affected).

Saffel and Garcin discussed the closure boundaries.

Chairman Vermillion stated after looking at the pictures, he can understand why the closure is needed.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

15. Termination of the Blackfoot River Closure Rule (near the I-90 Bridge) – Final

Bruce Rich, Fisheries Administrator explained the Blackfoot Closure Rule was adopted May 22, 2014, and is in effect from May 1 through June 30 each year. The original purpose of the rule was to address on-going public safety concerns on the lower Blackfoot River caused by changing river bed elevations and the exposure of timber and other mill-related debris associated with the removal of Milltown Dam. FWP feels public awareness and a reduction in physical hazards achieved to date are sufficient that this closure is no longer needed. This rule was set to expire in two years on May 22, 2016; allowing the rule to expire without further action would mean implementing a 22 day closure in 2016 that is no longer needed. Public comment was solicited August 28 - September 11; no comments were received.

Action: Chairman Vermillion moved and Commissioner Wolfe seconded the motion to open up the river and terminate the Blackfoot Closure Rule as recommended by FWP.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

16. Teakettle Fishing Access Site Temporary Closure – Final

Bruce Rich, Fisheries Administrator, explained the Teakettle FAS is located on the Flathead River in Columbia Falls on U.S. Highway 2. This three-acre site is a popular access to the Flathead River for angling and recreational boating, and currently suffers from congestion and limited parking. On busy days, vehicles are parked along both sides of the access road and along the shoulder of Highway 2 causing traffic flow and public safety issues. FWP proposes to improve parking and traffic flow by expanding the parking area into currently unused areas of the site and by redesigning some of the existing parking areas and replace the existing boundary fence, which is currently in a state of disrepair. The project would require a 30-day closure this fall for public safety while construction is in progress. Three other nearby sites would provide alternative access to the Flathead River during this closure. FWP released an EA on May 15 and initiated a 30-day public comment period; 12 comments were received; 8 comments in support and 3 opposed due to a lack of truck and trailer parking in the plan; in response, FWP adjusted the parking layout to include more truck and trailer parking spaces and released a decision notice to proceed.

Action: *Commissioner Wolfe moved and Vice-Chairman Stuker seconded the motion that the Commission authorize FWP to proceed with the Teakettle Fishing Access Site project and that the site be closed for 30-days for construction to begin in early October.*

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

Chairman Vermillion stated he understands Walleye Unlimited (WU) members are here to give comments to the Commission; normally public comment is taken at the end of the meeting, but based on what is scheduled to be a long afternoon, it is appropriate to take their comments now.

Patty Buckingham, WU, would like the slot limit be reinstated on Canyon Ferry Reservoir; return the reservoir to a healthy multi-species fishery.

Chairman Vermillion stated he remembers this issue being contentious a while back; doesn't remember what the slot limit was before for the current regulations were put into place.

Eric Roberts, FWP Fish Biologist, when the new Management plan was implemented in 2010 the limit was 10 fish limit, 4 over 16" and 1 over 28"; 2013 management triggers were adjusted for perch regulations and increase the walleye limit to 12 fish daily only 1 over 25".

Jim Muskett, WU, encourages the Commission to take the lead; opportunity to have a true quality multi-species fishery for Montana anglers; return the preexisting slot limits back on reservoirs to broaden the overall age class; currently the majority of walleye in Canyon Ferry are less than 16"; not outside FWP Management objectives.

Roxanne Tubbs, Helena, would like the following regulations reinstated: Canyon Ferry 10 walleye daily, allow only 4 over 16" and 1 over 28"; Hauser Reservoir 10 walleye daily, allow only 1 over 28"; Holter Reservoir 6 walleye daily, 5 under 20" and 1 over 28" or 6 under 20",

Jim Gillespie, WU, is alarmed there is no action in place at addressing the lack of walleye over 16"; need to go back to past slot limits.

Chairman Vermillion and Roberts discussed the fish population in Canyon Ferry.

Chairman Vermillion, Commissioner Wolfe and Roberts discussed the past management objective and why the current regulations were put in place.

17. Waterfowl Regulations - Central Flyway Duck Zone Adjustments (to match the goose zones) - Proposed

John Vore, Game Management Bureau Chief, explained through federal regulations, the FWS allows Montana to divide its Central Flyway portion into two different zones for waterfowl hunting. Zones are areas within the state's portion of the flyway that can have different hunting season dates to accommodate the timing of migrations and/or hunters' desires; the zones can be different for ducks and geese. By FWS rules, the zones for geese can be changed every year but ducks can only be changed every five years; the opportunity for a change will be the 2016 regulations. Montana's zones for geese were first established in 2014; duck zones could not be changed at that time. FWP is proposing to change the existing duck zones to match the goose zones. This would add Yellowstone and Carbon counties to the existing duck Zone 2 of the Central Flyway portion of Montana, which is currently made up of Big Horn, Custer, Prairie, Rosebud and Treasure counties. This change would be less confusing to hunters and offer some additional late-season opportunities to duck hunters. Because of the way the split season closure dates fall, the change will reduce some opportunity for duck hunters during October, particularly in northwestern Yellowstone County where a number of ponds offer good October hunting, but freeze up early and does not offer late-season hunting. FWP would still have the option of either using or not using the duck and goose zones in future years, but these zone boundaries for ducks would remain in place through the 2020 season. Hunters have suggested this change to FWP. If approved, the proposal will go out for public comment through November 6. FWP did consider excluding a portion of northwestern Yellowstone County from the duck Zone 2 to mitigate the potential loss of some October duck hunting opportunities, but by describing a portion of a county it would complicate the legal description to be less easily-understood and would not precisely match the existing goose zones.

Action: Vice-Chairman Stuker moved and Commissioner Tourtlotte seconded the motion that the Commission adopt for public comment changing the duck zones to match the existing goose zones in the Central Flyway portion of the state.

Chairman Vermillion asked for public comment.

Chairman Vermillion stated he strongly supports this change. Can other changes be made anytime between now and before the 2016 changes go into place?

Vore stated no, the FWS need the changes by November 30.

Action on Motion: Motion Passed.

18. Unlocking Public Lands ARM Amendments – Proposed

Alan Charles, Landowner Sportsman Coordinator, explained the 2015 Legislature passed SB309, establishing a program in which a private landowner who provides public access to a parcel of public land through a contractual agreement with FWP can receive a \$750 tax credit for each qualified access to state land, with a limit of \$3,000 per year. The law requires the Commission to adopt administrative rules for establishing contracts that address: The duration of access, types of qualified access, and reasonable landowner-imposed restrictions. The law becomes effective January 1, 2016, applies to tax years beginning after December 31, 2015, and terminates December 31, 2020. FWP intends to commence the administrative process of developing contracts with landowners upon adoption of the final rule. With Commission approval, FWP would initiate administrative rulemaking, including the public and will take approximately four months to complete. The ARM amendments are as follows:

12.2.601-STATE PUBLIC LAND ACCESS TAX CREDIT

- (1) Pursuant to 15-30-2380 and 87-1-294, MCA, landowners may apply for a contract with the Department to become eligible to receive a ~~\$500~~ \$750 tax credit for qualified access to ~~state~~ public land, as defined in ~~77-1-101~~ 87-1-294 (9) (b), MCA.
- (2) Landowners wanting to be considered for a contract must submit an application by March 15 in the tax year for which credit will be claimed.
- (3) The Department will award contracts no later than May 15 of the tax year in which the credit is to be claimed.
- (4) The application must state the following and failure to include any one portion may result in denial of the application:
 - (a) legal land description of parcel of ~~state~~ public land to which access will be provided;
 - (b) legal land description of parcel of private land through which access will be provided;
 - (c) description of the road or travel route providing public access to the ~~state~~ public land parcel;
 - (d) map depicting ~~state~~ public land parcel, adjacent private land through which public access will be provided, access point where public access on private land begins, and travel route proposed for public access;
 - (e) description of method permitted to access ~~state~~ public lands;
 - (f) indication as to whether or not the landowner is lessee of ~~the a~~ state land parcel to which public access will be provided; and
 - (g) indication as to whether or not hunting on the private land through which access will be provided is managed through outfitting or commercial hunting.
- (5) The Department must consider the following when awarding contracts:
 - (a) verification that the ~~state~~ public lands are not restricted or closed to general recreational use by ~~Department of Natural Resources and Conservation~~; the land management agency that owns or has legal control of the public land parcel;
 - (b) verification that the ~~state~~ public land will be available for a majority of the year to all general recreational use including hunting, fishing, hiking, wildlife watching, and other uses compatible with the use of ~~state~~ public lands;
 - (c) access routes restricted to foot travel only;
 - (i) must be capable of accommodating normal ambulatory travel; and
 - (ii) must not exceed ~~half a mile~~ one linear mile from the beginning to the end of the access route; and
 - (d) access routes available to vehicles must be capable of accommodating typical road use vehicles.
- (6) A landowner may impose reasonable limitations through temporary closure of a public access route to address concerns related to high fire danger, weather-related impact to travel route, safety, or agricultural production activities such as livestock handling or harvest and planting of crops, so long as:
 - (a) the landowner notifies Department regional headquarters at least 24 hours prior to the closure;
 - (b) the landowner posts notice to the public on-site; and
 - (c) the closure:
 - (i) is in effect for no more than seven days without Department review and approval; and
 - (ii) is removed within 24 hours after the natural environmental conditions no longer exist.
- (7) Land enrolled in any other Department program that secures public access to a ~~state~~ public land parcel is not eligible for a contract through this program to provide access to that same ~~state~~ public land parcel.
- (8) To provide verification that the landowner is eligible to receive the tax credit pursuant to 15-30-2380 and 87-1-294, MCA, the Department must provide:
 - (a) a copy of the contract to the landowner bearing a certification number that confirms the terms of the contract have been fulfilled no later than January 31 after the end of the tax year in which the credit is being claimed; and
 - (b) the contract certification number to the Department of Revenue no later than January 31 after the end of the tax year in which the credit is being claimed

Action: Commissioner Wolfe moved and Chairman Vermillion seconded the motion that the Commission approve for public comment the proposed amendments to ARM 12.2.601 State Land Access Tax Credit.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed.

19. 2015 - 2016 Wolf Regulation/Trapper Certification – Final

John Vore, Game Management Bureau Chief, explained wolf hunting and trapping regulations in Montana require trappers to complete a wolf trapping safety and education course prior to trapping wolves in Montana; in-person classes were held throughout Montana the past three years. To date, 3,273 individuals have completed the course, though class participation has diminished significantly since 2012; 281 individuals participated in 2014. The online class would require the participants to take a test; currently the in-person class does not require taking a test, just hands on. No public comment has been solicited; public comment was only offered at the October 8 Commission meeting. In the interest of efficiency and realizing class participation has decreased significantly, FWP is proposing an online wolf trapper safety and education course starting in October 2015. Some regions, at their discretion, may offer personal courses similar to those previously taught. FWP recommends the following language be adopted: Before setting a wolf trap in Montana a person must complete an FWP offered online trapper safety and education course or complete either a Montana or Idaho (in person) certification class.

Action: Commissioner Tourtlotte moved and Commissioner Kerstein seconded the motion that the Commission approve the completion of a Montana Fish, Wildlife & Parks online or Montana or Idaho trapper safety and education course, to meet the requirement that trappers must pass a trapper safety and education course before any wolf trapping.

Vice-Chairman Stuker asked if the class only has to be taken once.

Vore answered that is correct.

Vice-Chairman Stuker stated he would like any individuals that attend the in-person class have to pass a test.

Vore asked to clarify, anyone who chooses to attend an in-person class would have to pass whatever test is developed for the online class.

Vice-Chairman Stuker stated yes, that is correct.

Amended Action: Vice-Chairman Stuker moved and Commissioner Tourtlotte seconded to amend the motion to include the language “any certification class would have to include a test that must be passed with a 70% or better rate”.

Chairman Vermillion asked for public comment.

Chairman Vermillion asked the Department to make sure the classroom and online certification are the same.

Vore stated the Department is looking at a model similar to the online bear ID test but more involved.

Vice-Chairman Stuker asked what percentage the Department would recommend for passing the test.

Thomas Baumeister, Communication and Education Bureau Chief, stated 80% criteria is the general standard.

Vice-Chairman Stuker asked to change the amended action.

Amended Action: Vice-Chairman Stuker moved and Commissioner Tourtlotte seconded to amend the amended motion to state “any certification class would have to include a test that must be passed with an 80% or better rate”.

Commissioner Wolfe asked about the process on this proposal; an initial proposal has not gone out for public review and comment.

Vore stated the Department is only asking for clarification, is not a proposal; regulations are not changing.

Becky Dockter, Chief Legal Counsel, explained as long as the action is clearly indicated on the agenda for the public, the Department is covered legally; process may dictate otherwise.

Chairman Vermillion stated public process is being followed; this is just a definition change.

Commissioner Wolfe asked if there was an issue or incident that led the Department to clarify/change this language.

Vore stated the Department wanted to clarify if this is something the Department can do.

Chairman Vermillion stated it is not cost effective for the Department to continue the in-person class if participants are declining.

Vore stated that is exactly why the Department is asking for clarification.

Chairman Vermillion asked for public comment.

Marc Cooke, Wolves of the Rockies (WOR), against proposal; understands the Montana Trappers Association (MTA) does not support proposal; encourages the Department to continue with the hands-on class; Idaho still conducts hands-on classes.

Tim McKenrick, MTA, does not support proposal at this time; will the proposed motion require people who have taken the class already, to recertify again?

Vice-Chairman Stuker stated anyone moving forward would have to take the test; past participants would be exempt.

Chairman Vermillion clarified it is the Commission's direction if the motion passes, the motion does not apply to people who have already taken the course.

Cheryl Tindschy, Helena, most people learn best by hands-on; will be more productive for the Department.

Rhonda Lanier, WOR, would like hands-on course continued; agrees with Marc Cooke; right thing to do.

Bob Ream, Helena (former Commissioner), limited number of experienced trappers in Montana; encourages Region 1 and 2 to keep the hands-on class; try to get mentors from the MTA to work with someone who is interested in trapping.

Chairman Vermillion asked when the online classes would begin if approved.

Vore stated it would begin next year; will take a while to prepare.

Chairman Vermillion stated there is not extenuating circumstances requiring the Commission to approve immediately; concerns are valid and it is a significant change; better to formulate something specific so people have a clearer picture.

Vice-Chairman Stuker stated he agrees with Chairman Vermillion; asked if there any refresher courses that people have to take on any class that is taken; bring back to the Commission in December after public comment is solicited.

Vore stated no classes require a refresher course.

Commissioner Kerstein stated he cannot support the proposal as is.

Commissioner Wolfe stated he will not support the proposal; would support putting it out as a tentative and asking for public comment.

Commissioner Tourtlotte encourages the Commission to vote on the proposal today because it sounds like the proposal will not pass; encourage the Department come back to the Commission in December with more details and a better proposal.

Action on Motion: Motion Failed 5-0.

Vice-Chairman Stuker requested the Department bring back the proposal to the Commission with language added that students have to pass a test, certain standards, what is going to be taught online versus the hands-on class.

Chairman Vermillion stated the online class has a lot of merit and is something the Department and Commission should pursue.

Commissioner Kerstein recommends keeping the hands-on approach; struggles philosophically with the notion of learning online; no personal involvement.

20. 2016 Brucellosis Annual Work Plan – Final

Quentin Kujala, Wildlife Bureau Coordinator, explained in January 2013, the Commission endorsed elk management recommendations from a citizen working group for application in areas with brucellosis, including the Designated Surveillance Area (DSA) as described by the Montana Department of Livestock (DOL) and recognizes the need for annual work plans based upon these recommendations. The proposed 2016 annual work plan represents the fourth iteration of annual plans, it builds upon the past three year plans and the experience gained through implementation. The proposed 2016 plan restates the 2015 plan and includes hazing, fencing, lethal removal of elk, habitat modifications, and other efforts to adjust elk distribution at small scales to mitigate the risk of brucellosis transmission from elk to cattle. This proposed work plan includes the potential for local work groups to propose modifications or additions to the 2016 plan to the Commission at a later date. Proposed changes in the 2016 annual work plan include definitions and clarifications to aid common understanding and implementation across staff, landowners, sportspersons, and other members of the public, and allowing up to 25 percent of hunters for an elk management removal to be identified by the landowner if hunters from the Hunt Roster cannot respond as needed. At the August 8 Commission meeting, FWP staff was directed by the Commission to explore additional refinements to hazing language. The proposed final work plan includes adjusted hazing language and other clarifications based upon public inputs. Public comment opportunity ran through 5 p.m. Tuesday, September 8; five comments were received and included continued opposition consistent with comments to previous years' plans.

Action: *Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion that the Commission adopt as final the proposed 2016 annual work plan for elk management in areas with brucellosis as presented by FWP, including the proposed amendments.*

Chairman Vermillion commented he commends the Department on the changes and appreciates the Department listening to public comment.

Chairman Vermillion asked for public comment.

Jay Bodner, Montana Stockgrowers Association (MSA), small clarifications that were made make sense; appreciates the Department and Commission for continuing working on this important issue, for the livestock and hunting community.

Nick Gevok, Montana Wildlife Federation (MWF), Department needs to keep an incremental approach; killings elk in the spring should be last resort; revision shows more emphasis on hazing on private land and clarifies there is a total kill limit higher than most people would like to see.

Kathryn QannaYahu, Enhancing Montana's Wildlife and Habitat (EMWH), need elk management, would like a proper Environmental Impact Statement (EIS) not bio-politics; elk management plan needs updated; need science.

Action on Motion: Motion Passed.

21. 2015 Elk Plan Objective Adjustments – Final

John Vore, Game Management Bureau Chief, explained population objectives in Montana's elk plan were established in 2005 with few adjustments since. The original document allows for any proposed change of merit to be considered by the Commission as a proposal for public comment. FWP is proposing elk plan adjustments in the Bob Marshall Elk Management Unit (EMU) in the South and Middle Forks of the Flathead and the Swan (HDs 130, 140, 141, 150 and 151), and the Bitterroot Valley (HDs 204, 240, 250, 260, 261, 262 and 270). Elk in the Bob Marshall EMU winter mostly on public land and should not be considered over objective. Proposed changes in the Bitterroot are designed to better reflect recent changes in HD boundaries and facilitate management while slightly increasing the valley-wide objective from 7,470 to 7,550. Flathead Wildlife Inc. and other sportsmen support the R1 proposals. Region 2 proposals were vetted at public meetings on July 7-8; 35 people attended, including members of the Ravalli County Fish and Wildlife Association who are in favor of the numbers changes but not the bull:cow ratio change, prefer original proposal. Fifteen comments were received; six spoke directly to the Bitterroot about changes in HD boundaries and bull:cow ratios. The proposed changes differ slightly from those presented in August based on public comment. A number of comments on the Bitterroot HDs said by raising the bull:cow ratio objectives the HDs would never be able to go back to a standard package general season. The final proposal (with changes from the original highlighted) is for no changes in bull ratio objectives and establishes a range for calf:cow ratios. The final proposed elk plan adjustments for 2015 are:

HD	Current Objectives		Revised Proposed Objectives	
	Numbers	Ratios per 100 Cows	Numbers	Ratios per 100 Cows
130, 140 & 141	225	None	150-320	None
150 & 151	400	None	310-500	None
204	1,320 for 204 &	25 calves & 10 bulls	600	20-30 calves & 15 bulls
261	261 Combined	25 calves & 10 bulls	700	20-30 calves & 15 bulls
240	750	25 calves	1000	20-30 calves
250	2000	25 calves & 10 bulls	1400	30-40 calves & 25 bulls
260	None		50	None
262	None		0	None
270*	3400	25 calves & 15 bulls	3800	20-30 calves & 20 bulls
Bitterroot Total	7470		7550	

*The HD 270 proposal also would raise the subobjective for elk on publically accessible land (i.e. not on the CB Ranch from 2,600 to 3,000)

Action: *Commissioner Wolf moved and Chairman Vermillion seconded the motion that the Commission adopt the proposed elk plan adjustments in Regions 1 and 2 as presented by FWP.*

Chairman Vermillion and Vore discussed the changes in HD 250.

Vice-Chairman Stuker and Vore discussed HD 270.

Commissioner Wolfe stated he received comments on the proposed objective changes in Region 1 who stated this proposal is way over due and they would like higher objectives; majority of the five HD's are on public land.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed 4-1.

Chairman Vermillion, Commissioner Kerstein, Tourtlotte and Wolfe – aye
Vice-Chairman Stuker – nay

22. Guidelines for Elk Shoulder Seasons – Final

Quentin Kujala, Wildlife Bureau Chief, gave a lengthy power point entitled “Final Proposed Elk Season Guidelines (“Shoulder Seasons”)” (see power point in October 8, 2015 Commissioner file). Governor Bullock’s directive to improve landowner relations and in response to criticism FWP was not meeting elk objectives, Director Hagener authorized an internal process to explore and develop guidelines for the 2016-2017 biennial elk season setting process. FWP employees met for five three-day meetings from fall 2014 through spring 2015; the structured discussion was facilitated by research staff from the University of Montana. Given past ineffectiveness with late seasons, and the current over-objective status in many areas, Director Hagener charged the work group to develop a next iteration of more effective elk harvest management. The internal work group reviewed management history, research, and circumstances across Montana to develop the proposed guidelines which included: fundamental objectives to help guide and assess elk-season effectiveness; shoulder seasons as an option before and after the existing general firearm season; performance criteria to assess whether or not shoulder seasons should be maintained; additional permit/license types. Public comment was extended from July 13 to August 28; 1,000+ comments were received; comments were generally split and based upon public input, the proposed final guidelines were modified. If approved, the guidelines would assist staff preparations, Commission decision-making, and address public expectations of process for biennial season setting. The proposal was aligned with known biology, management history, and experience. Final proposed elk season guidelines are as follows:

Proposed Elk Season Guidelines – Flexible season structure with performance-based shoulder seasons

Introduction

These guidelines were developed to improve elk harvest management and bring more elk populations to objective. The guidelines respect and reflect private property rights and landowner decisions as well as public trust responsibilities associated with elk management. They also emphasize flexibility with outside constraints using all currently available harvest tools (existing season structures, license/permit types, game damage hunts, management seasons, and season extensions) and add A7 licenses and antlerless permits (or apply comparable restrictions in district-specific definitions of general or antlerless licenses), and performance-based shoulder seasons as options. These guidelines alone do not require implementation of any one option. Season proposals that might include one or more of these options will continue to be initiated by regional staff. If adopted these guidelines will remain in place as formal guidance for both the Fish and Wildlife Commission (“Commission”) and Fish, Wildlife and Parks staff (“FWP”) until/unless they are formally adjusted by the Commission and public review. This shall include fundamental objectives, performance criteria, and periodic Commission/public review of season performance against those elements. A “shoulder season” here is defined as: any firearm season printed in the hunting regulations that occurs outside the 5-week general firearm season between August 15 and February 15 in one or more hunting districts or portion(s) thereof. Examples might include B licenses or general seasons extended early or late or additional sets of B licenses or permits valid early or late. Shoulder seasons here do not include early backcountry hunts, primitive weapon hunts, game damage hunts, management seasons, or season extensions.

Shoulder Season Intent

Shoulder seasons are designed to supplement existing harvest, not replace or reduce harvest during the existing general archery and firearm seasons. They are a management tool to support the general seasons and are not presented here or intended to be an end objective. Performance-based harvest criteria described later in these guidelines have been developed to reflect this intent, to describe the harvest necessary to reduce elk populations, and to help ensure transparent and consistent assessment of how shoulder seasons are performing. The criteria will also be used by the Commission and the Department to propose, continue, adjust, or remove shoulder seasons. If shoulder seasons do not meet established harvest criteria, they become inconsistent with their described intent and may actually exacerbate problems with elk populations and/or distribution.

Reasons to Implement, Maintain, and Remove Shoulder Seasons

These guidelines do not require shoulder seasons in any one district. FWP may propose and the commission may adopt performance-based shoulder seasons where populations have been over objective and liberal antlerless harvest seasons have been present for at least four years. In these areas the primary intent of shoulder seasons is to reduce the population to objective. In this regard, these shoulder seasons would be proposed for removal and so acted upon by the Commission when the district reaches objective or if the harvest criteria (see below) are not being met. These shoulder seasons must also be consistent with fundamental objectives listed below. FWP may also propose and the commission may adopt shoulder seasons to address specific local circumstances. Examples of such local circumstances include areas where elk are absent during the general hunting season or the landscape is dominated by multiple small ownership parcels making it difficult to safely harvest elk or respond to game damage. These shoulder seasons must also be consistent with fundamental objectives listed below. Shoulder seasons may be proposed to continue and so adopted by the Commission if: harvest criteria listed below are met and there is overall positive performance relative to the fundamental objectives listed below and the elk population is moving toward objective; local circumstances relative to landownership sizes or seasonality of elk presence are present (see above) and there is overall positive performance relative to fundamental objectives listed below; or broad, expressed support from landowners, sportsmen, FWP, and the Commission and there is overall positive performance relative to fundamental objectives listed below. The Devil’s Kitchen Working Group represents one example of this sort of significant and diverse collaboration. While the Devil’s Kitchen Working Group is not the only possible manifestation of diverse and significant support it does represent the intended level of collaboration and is identified here as a standard against which other collaborations/support will be measured. *“The intent is to expand the opportunity to address elk numbers and distribution problems that have not been effectively addressed with this or other season structures. It is not the intent to create an opportunity to continue shoulder seasons in Districts where lack of reasonable public harvest during the general season is the primary cause of elk numbers exceeding population objectives.”*

Shoulder Season Placement, Timing, and Sex of Harvest

Shoulder seasons will typically be directed to private land across all or portions of an entire hunting district or group of hunting districts, except where clear boundaries necessarily include small amounts of state or federal lands. For example, a Forest Service administrative boundary may be an effective and clear boundary but might also include some peripheral Forest or BLM lands with private lands in an early shoulder season. Montana state land parcels other than FWP Wildlife Management Areas (WMAs) are another example of public lands that might be included with private lands in an early shoulder season due to the need for clear boundary definitions. In some areas significant amounts of public land may need to be included in late shoulder seasons (outside of the archery only season) to achieve prescribed harvest if elk are expected to move off private lands such that harvest is effectively precluded.

In these circumstances public land harvest will be limited where appropriate to avoid overharvesting elk on public land. Shoulder seasons could be early and/or late and could overlap the current archery season on private land (with exception of small amounts of public land, see above). Shoulder seasons may include antlered and/or antlerless options (see criteria below). Where antlered harvest during shoulder seasons is needed to facilitate meeting population objectives bull harvest opportunity will be allocated via limited permits.

Shoulder Season Proposal, Adoption, and Review

The Commission and Department will conduct annual public review of shoulder season performance relative to criteria and fundamental objectives and will review shoulder seasons and associated decisions in scheduled season-setting processes. Individual shoulder seasons will be proposed and adopted with definitive "sunset" dates consistent with performance criteria review and season-setting cycles. While this would typically occur when three years of data are available any shoulder season could be reviewed and acted upon at any season-setting if circumstances warrant (reached objective, clear and likely continued failure of criteria). The sunset date will serve to remove any shoulder seasons from the remaining general season definition for that hunting district. This general season definition will then represent the status quo season entering any season setting process. This then will require a specific proposal and Commission adoption for change directly identifying and addressing any individual shoulder season to continue that shoulder season beyond its sunset date. If no such specific proposal and Commission adoption is made only the general season is included as the "status quo" for that hunting district and the shoulder season will be effectively removed. Shoulder seasons may be specifically removed before the sunset date and before three years of harvest data is acquired if objectives are met or if it is clear performance is failing the criteria and will continue to fail. Once removed, a shoulder season may be proposed again using general season harvest criteria as entry criteria OR there is broad, expressed support from landowners, sportsmen, FWP, and the Commission as described in criteria 6 below. *"The intent is to expand the opportunity to address elk numbers and distribution problems that have not been effectively addressed with this or other season structures. It is not the intent to create an opportunity to continue shoulder seasons in Districts where lack of reasonable public harvest during the general season is the primary cause of elk numbers exceeding population objectives."*

Shoulder Season Performance

The primary intent of a shoulder season is to help reduce the population in a hunting district or group of hunting districts. Shoulder seasons are designed to supplement existing harvest, not replace or reduce harvest during the existing general archery and firearms seasons. To reduce a population in a given year, the total harvest for all seasons combined – archery-only, 5-week general and shoulder season – must exceed the number of calves "recruited" or added into the population the previous spring. That is, annual harvest must exceed annual recruitment (annual "calf crop"). To assess shoulder season performance the following harvest criteria will be used to assess performance. This performance assessment will be used to determine whether FWP proposes to maintain or remove shoulder seasons and will also be used by the Commission in assessing the decision to maintain, adjust, or remove shoulder seasons. Annual performance information will be posted on the public website and will be part of annual reviews with the Commission and any associated season-setting process. While shoulder seasons will be focused primarily on private lands, implementation and assessment will be done at the hunting district(s) level. For the first shoulder season proposal in a specific hunting district, criteria are not used as entry criteria but are assessed in the years following implementation. While the criteria are couched in the context of three years, performance information will be posted annually for public review and the Commission may remove a shoulder season at any time it is determined criteria are not and will not be met. Subsequent shoulder season proposals in the same area would require meeting general season harvest criteria as entry criteria unless the proposal is otherwise consistent with fundamental objectives and enjoys broad, expressed support from landowners, sportsmen, FWP, and Commission. *"The intent is to expand the opportunity to address elk numbers and distribution problems that have not been effectively addressed with this or other season structures. It is not the intent to create an opportunity to continue shoulder seasons in Districts where lack of reasonable public harvest during the general season is the primary cause of elk numbers exceeding population objectives."*

Shoulder Season Harvest Criteria

1. During the past 3 years^a the number of bulls harvested during the archery-only and 5-week general seasons combined (not including the shoulder season) is more than half (>50%) the number of bulls recruited^{b,c} during that 3-year period AND
2. During the past 3 years^a the number of cow elk harvested during the archery-only and 5-week general seasons combined (not including the shoulder season) is more than half (>50%) the number of cows recruited^{b,c} during the 3-year period AND
3. During the past 3 years^a total harvest of cows during all seasons combined (archery-only, 5-week general and shoulder season) is greater than the total number of cows recruited^{b,c} during the 3-year period AND
4. During the past 3 years^a total harvest of all elk during all seasons combined (archery-only, 5-week general and shoulder season) is greater than the total number of all elk recruited^{b,c} during the 3-year period OR
5. If harvest criteria have not been met due to clear and widely accepted extenuating circumstances (e.g., weather, forest fire, etc.), the shoulder season may be continued, as long as access to elk during the general season is not considered to be the main reason harvest criteria are not being met. If lack of access during the general season is the main reason for not meeting harvest criteria, then the hunting district(s) or a portion of the hunting district may, at the Commission's discretion, shift to antlerless only. OR:
6. Other shoulder seasons not subject to the above harvest criteria are allowed if they are consistent with the fundamental objectives and have broad, expressed support from landowners, sportsmen, FWP and the Commission. The Devil's Kitchen Working Group represents one example of this sort of significant and diverse collaboration. While the Devil's Kitchen Working Group is not the only possible manifestation of diverse and significant support it does represent the intended level of collaboration and is identified here as a standard against which other collaborations/support will be measured. To ensure this standard of broad and diverse collaboration is met, the Commission shall review the nature and amount of landowner and hunter support when considering any shoulder season proposal under this guidance. *"The intent is to expand the opportunity to address elk numbers and distribution problems that have not been effectively addressed with this or other season structures. It is not the intent to create an opportunity to continue shoulder seasons in Districts where lack of reasonable public harvest during the general season is the primary cause of elk numbers exceeding population objectives."*

Fundamental Objectives

These guidelines also include “fundamental objectives” meant to describe management success and to help ensure a transparent assessment of how overall elk harvest management is progressing. Fundamental objectives address more than just population status and offer multiple metrics for the Commission to consider in their season setting decisions. Balancing private property rights and public trust management, they reflect the different concerns and values of private landowners and the general public. Given inherent different values across landowners and hunters, all fundamental objectives cannot be maximized. However, fundamental objectives can be optimized if landowner and hunter participation is sufficient to increase harvest during general and shoulder seasons in areas over objective. Shoulder seasons can only be successful at reducing elk numbers and should only be maintained in those areas where key landowners are committed to reducing elk to the identified objective. If that commitment is absent or subordinate to other interests shoulder seasons cannot be successful and fundamental objectives cannot be comprehensively addressed. Fundamental objectives are listed below and have no individual priority ranking. The intent of this proposal is for fundamental objectives to be generally achieved when shoulder season harvest criteria are met. An overall failure to meet fundamental objectives, or specific objectives acutely failing even while harvest criteria are met would prompt a review of harvest criteria. Status of fundamental objectives would be routinely assessed using direct measures (for example, number of districts at objective), public experiences (for example, access offered/received), and FWP field staff inputs (for example, landowner/hunter interactions).

FUNDAMENTAL OBJECTIVES

Elk considerations:

Manage elk populations to objective as rapidly as possible.
Increase harvest of elk, where appropriate.

Hunter and landowner considerations:

Address problematic distributions of elk and elk harvest.
Enhance free public access to bulls and cows on private land during the general seasons.
Reduce exclusive access to elk.
Enhance landowner flexibility to manage elk hunting on their property.
Reduce game damage.
Reduce hunter impacts on landowners (e.g., cost of hiring additional staff, loss of productivity, property damage from hunters, etc.).
Simplify rules and regulations.

Logistical considerations:

Balance statewide consistency with local flexibility of regulations, rules, and policies.
Keep staff time and cost down.

^a To account for annual variability in hunting conditions that might affect harvest and to account for variability in recruitment rates, a moving 3-year window is used with recruitment and harvest summed across those three years. While criteria identify a 3-year window, the Commission may remove any shoulder season any time it is determined criteria are not and will not be met.

^b This applies if elk are present during the archery-only and 5-week general season. The intent is that most of the total annual harvest from all seasons combined occurs during the archery-only and 5-week general season and that shoulder season harvest adds to this rather than replaces it. Therefore, a number of bull elk and antlerless elk that is more than half the annual bull and cow recruitment, respectively, must be taken each year during the combined archery-only and 5-week general seasons. Harvest criteria for both bulls and cows must be met in order to propose maintaining any shoulder season unless it is broadly supported (see criteria 6 above). Once a shoulder season is removed from the regulations general season harvest criteria must be met before any shoulder season is re-proposed unless it is broadly supported (see criteria 6 above). Any proposed bull harvest during a shoulder season must be consistent with management objectives, must be by permit only and must meet the need to reduce bulls in areas that are over objective.

^c “Recruitment” is the estimated number of 11-12 month old calves in the population in late winter or spring. Annual recruitment for both bulls and cows will be determined by the area biologist using best available data. To estimate the total number of cow and bull calves recruited s/he will need: Survey data or another estimator of herd size and composition; an estimate of sightability; an estimate of bull:cow ratio among 11-12 month old calves.

Director Hagener thanked Kujala for his commitment and hard work on this issue; has reached out to several sportsmen and worked with the internal working group to come up with a solution over the past year; put in many hours.

Action: Vice-Chairman Stuker moved and Commissioner Wolfe seconded the motion the Commission adopt as final the proposed Guidelines for Elk Shoulder Seasons as presented by FWP.

Chairman Vermillion concurred with Director Hagener; very few people in state government work as hard or is as dedicated as Kujala.

Vice-Chairman Stuker stated he agrees with Chairman Vermillion and Director Hagener on all of Kujala’s and the Departments work; appreciates in the direction the Department has moved from the original proposal.

Vice-Chairman Stuker asked when would the special shoulder season for bull permits, be decided on?

Kujala explained 50 percent of recruitment is a reasoned amount of general season harvest that when paired with shoulder season harvest is necessary to manage a population to objective; need a good contribution of harvest during the general season as it represents the primary tool to harvest elk, an enormous public value, and perhaps the most product harvest potential of all seasons; the fundamental assumption is that there is interest and participation from all stake holders to reduce elk populations in areas over objective.

Vice-Chairman Stuker asked in areas the hunting districts meeting the 50% harvest of recruitment now, and if not what makes the Department think after three years, 50 percent will be met.

Kujala explained in areas that are significantly over objective would fail the 50 percent of recruitment; need a good contribution of harvest during the general season as it represents the largest days to potentially harvest elk; the fundamental assumption is that there is interest and participation from all stake holders.

Vice-Chairman Stuker asked in criteria 5, it states if nothing works it would shift to antlerless only season, would it be archery, rifle or both.

Kujala stated it would be both rifle and archery season.

Vice-Chairman Stuker and Kujala discussed the importance of landowners and public access in making the shoulder season work.

Commissioner Wolfe reiterated if the guidelines pass, it provides the Department the opportunity to present specific shoulder seasons to the Commission, and provide public comment opportunity before the Commission takes any final action; there was confusion at several meetings and once people understood the process they had a different perception of the guidelines. Received numerous calls from landowners voicing their support and stated they need this additional tool to help them out; most landowners open their land for liberal public hunting opportunities, participate in the block management program and/or qualify for management hunts.

Commissioner Tourtlotte asked Kujala to explain criteria #6.

Kujala explained criteria #6 in lengthy detail.

Chairman Vermillion stated he understands what this Department is trying to accomplish, wouldn't have to have this conversation if there was existence of a successful working groups across the state like the Devil's Kitchen.

Chairman Vermillion added the following footnote to be inserted in several places throughout the guidelines: *"The intent is to expand the opportunity to address elk numbers and distribution problems that have not been effectively addressed with this or other season structures. It is not the intent to create an opportunity to continue shoulder seasons in Districts where lack of reasonable public harvest during the general season is the primary cause of elk numbers exceeding population objectives."*

Chairman Vermillion explained his rational for the above footnote.

Vice-Chairman Stuker stated individuals that harbor elk are not his concern; need to help and not penalize the private property owners who allow general access during the season and work with the Department.

Chairman Vermillion stated the Department is striving to resolve this issue because there are a lot of landowners who are doing everything possible to reduce the elk numbers; anyone who is providing reasonable public access will be able to take advantage of these opportunities.

Amended Action: Chairman Vermillion moved and Vice-Chairman Stuker seconded to amend the motion that the Commission adopt as final the proposed Guidelines for Elk Shoulder Seasons as presented by FWP and to add "The intent is to expand the opportunity to address elk numbers and distribution problems that have not been effectively addressed with this or other season structures. It is not the intent to create an opportunity to continue shoulder seasons in Districts where lack of reasonable public harvest during the general season is the primary cause of elk numbers exceeding population objectives in several places throughout the guidelines. (See italics in the proposed elk season guidelines above for insertions.)"

Vice-Chairman Stuker and Kujala discussed adding/removing bulls during the general season adoption.

Chairman Vermillion asked for public comment.

Greg Munther, Montana Backcountry Hunters & Anglers (MBHA), tough subject with political pressure; no need to kill bulls during the shoulder season; don't extend shoulder season to public lands except where there are isolated parcels within private land ownerships.

Rod Bullis, Helena Hunters and Anglers (HHA), remove the "option" for bull elk hunting and public lands.

Paul Rossignol, Montana Sportsmen for Fish and Wildlife (MTSFW), in support of the proposal; good chance to improve relations between landowners, sportsmen and the Department; everyone needs to work together with good communication; every situation will be different.

Shane Colton, Billings (former Commissioner), concerned the Department is headed back to previous situations that did not work; explained past Commission actions on game damage and the five week season structure; a lot of political pressure; look at the tools created and available when the Department went back to the five week season after it became clear the reason for the over population is because the shoulder seasons were not working.

JW Westman, Laurel Rod and Gun Club (LRGC), important issue; proposal is better than the original but still not satisfied; management hunts should be done during the interim; been over objective for a long time; need to think about disease issues.

Nick Gevok, MWF, proposal is improved and reflects hard work by the Department to find a solution that will bring people together; should be solved by FWP under the Commission's direction and not the political process; the proposed guidelines represent equitable opportunities for everyday hunters to harvest elk during the general and shoulder seasons; data has to be transparent and readily available; all key parties need to work together.

Chase Hibbard, Devils Kitchen Working Group (DKWG), have utilized about every tool that is available to manage elk and hunters but it is not enough; believe in hunter access, use the five week season and management season to the maximum.

Gayle Joslin, HHA, need to take a broader look at the causes of some game damage issues resulting in landowner intolerance and taking advantage of the public's wildlife resource; FWP needs to pay more attention to public land habit conditions.

Bob Ream, Helena, need consistency between Regions; no harvesting of bulls during shoulder season; if the shoulder season is approved, who gets to hunt and how are permits allocated.

Steve Schindler, Traditional Bowhunters of Montana (TBM), overall support changes; safety hazard to having rifle season concurrent with the archery season improved some by focusing early shoulder seasons on private land; objective to bull harvest during shoulder seasons; harboring issue is the driving force behind this problem.

Jeff Herbert, MSA, supports recommendations but still has concerns; the use of the criteria and monitoring protocols put in place should ensure discussions in two years during the season setting process; communication efforts relative to the comprehensive elk strategy and tools; successful elk management will only occur when there is consistent harvest pressure across the landscape during the general season.

Steve Adkins, Helena, could use longer seasons; will increase percentage of take; can the state limit the number of elk on private property?

Chairman Vermillion stated the legislature defeated a problematic concentration of elk on private land bill in 2007 or 2009.

Jerry Davis, Montana Bowhunters Association (MBA), in most cases shoulder season is not addressing the harboring issue due to financial situation; appreciates the consideration for bow hunters; public land should not be included; no criteria why shoulder season will be done; need commitment by landowners to allow public access; objectives do not appear to address disease, predation and environmental factors; no bulls should be taken.

Jay Bodner, MSA, important to implement, supports proposal; over objective elk have an impact on private landowners; guidelines will help strengthen the relationship between the Department and landowners.

Kathryn QannaYahu, EMWH, hunting on public land and bulls should not be added in proposal; privatizing wildlife and compromising the public trust doctrine is not the proper solution.

Glen Hockett, Gallatin Wildlife Federation (GWF), don't allow shoulder season on public land, public land is going to be over hunted; doesn't like early season harvest.

Rob Gregoire, GWF, enables the Department to bypass the general public, seems purposeful; landowners could allow outfitters.

Nancy Shultz, GWF, need to analyze habitat, political pressures; not enough forage on public lands to support wildlife; habitat conditions should be a factor.

Commissioner Tourtlotte asked if the guidelines do not pass, what happens next.

Kujala explained if the guidelines do not pass, criteria would not be put into place to guide Commissioners and staff, and inform the public. There is nothing to prevent any entity, to bring forward a specific shoulder season proposal at the December Commission meeting.

Director Hagener stated if the proposal does not pass, he will need guidance with different ideas for the Department to pursue.

Commissioner Wolfe stated he is concerned about the potentially orphaning of calves in August, bull harvest and extensive public land; these are only broad guidelines; need to look at each proposal individually; in favor of proposal as amended.

Commissioner Kerstein echoes Commissioner Wolfe's comments; something needs to be done; adopting the guidelines will not make the situation worse; in favor of the amended proposal.

Vice-Chairman Stuker stated he has the same concerns as the other Commissioners; does not like having bulls in the proposal but the Commissioners need the flexibility moving forward; doesn't understand how bull will help, something needs to be done; supports proposal.

Commissioner Tourtlotte stated he doesn't have faith and is skeptical of the proposal; has not addressed all issues; agrees something needs to be done; does not want to over-commercialize the resource again.

Chairman Vermillion, stated he is deeply skeptical but will vote for proposal; willing to give it a try; good faith effort; will work in some areas and not in others; people that closed off public access to public land are outfitting on that same public land. The Department and Commission have worked hard and have done everything the legislature has demanded; private property rights are inherent in the Department's inability to address this issue; the Department has been reluctant to discuss harboring; positive step forward. The Department is doing the best it can with the knowledge they have; hopefully the legislative pressure and attacks will stop. There are landowners saying they will not have to allow access, will just have a shoulder season. The proposal is the Department and Commission's good faith effort bring landowners and sportsmen together to solve this problem; if something is not done, the legislature will.

Action on Amended Motion: Motion Passed.

Director Hagener explained the following agenda item is a consideration for a pilot project only; gives an idea where to start, some landowners and sportsmen are ready to cooperate; will be presented during the biennial season setting if not approved today.

23. 2015 Elk Late Shoulder Season Pilot Project (Contingent Upon Commission Action for Elk Shoulder Season Guidelines Above) – Proposed

John Vore, Game Management Bureau Chief, explained FWP proposes a pilot shoulder season to begin after the 2015 general season only, in 10 HDs that are over population objective; nine contiguous and one block. With the exception of HD 410, the season would run from November 30 to February 15, 2016; licenses would be valid on private land only; any B-licenses or either-sex permits would be good in the HD for which they are valid and subject to the same restrictions. The Department has been given direction from the Governor and Legislature to do something different to get populations to objective as soon as possible; the pilot project would give the Department shoulder season experience prior to the next legislative session. HD 392-00 and 392-01 B-licenses would be valid district-wide outside of NF lands or WMAs instead of valid only north or south of Whites Gulch. Shoulder season hunting in HD 410 would start January 1, 2016 to allow elk to redistribute across the landscape and end February 15, 2016, is by drawing only, only those either-sex permits or B-licenses specific to the district would be valid for the shoulder season and would not be valid on the CMR National Wildlife Refuge. Acceptance and support of the potential shoulder seasons has been high among those whom have vetted; there are a number of landowners and sportsmen who are not supportive. The Devil's Kitchen Working Group (DKWG) helped develop, and is in support of the proposal for HD 445. HDs 446, 449 and 452 have been endorsed and supported by a majority of landowners and the Meagher County Commission. Some landowners in HD 410 were originally willing to allow access, but have since backed out; FWP is committed to working on a solution with the landowners and sportsmen. HDs 390, 391 and 392 have a limited number of landowners and sportsmen, with support among landowners being mixed; the Broadwater Rod & Gun Club being either positive or not opposed. If adopted, public comment would be solicited from October 8 - November 6. If the proposal is not adopted, there would be no pilot shoulder seasons starting; shoulder seasons could be proposed and adopted during biennial season-setting for the 2016-2017 hunting seasons. The draft shoulder season pilot project HD options for 2015-16 are:

Region 3 (Bridger Mountains and west side of the Big Belt Mountains):

HD 312 West Bridger

General Elk License

- November 30 – February 15 – Antlerless Elk Only. Not Valid on National Forest lands or FWP WMAs

Elk B License. Drawing only. Apply by June 1

312-00: 200 B Licenses. Not Valid on National Forest lands or FWP WMAs

- November 30 – February 15 – Antlerless Elk

HD 390 Sixteenmile Creek

General Elk License

- November 30 – February 15 – Antlerless Elk Only. Not Valid on National Forest lands or FWP WMAs

Elk B License. Drawing only. Apply by June 1

390-00: 150 B Licenses. Not Valid on National Forest lands or FWP WMAs

- November 30 – February 15 – Antlerless Elk

HD 391 Dry Creek-Duck Creek

General Elk License

- November 30 – February 15 – Antlerless Elk Only. Not Valid on National Forest lands or FWP WMAs

Elk B License. Drawing only. Apply by June 1

391-00: 475 B Licenses. Not Valid on National Forest lands or FWP WMAs

- November 30 – February 15 – Antlerless Elk

HD 392 Southwest Big Belts

General Elk License

- November 30 – Feb 15 – Antlerless Elk Only. Not Valid on National Forest lands or FWP WMAs

Elk B License. Drawing only. Apply by June 1

392-00: 300 B Licenses. Valid entire district. Not Valid on National Forest lands or FWP WMAs

- November 30 – February 15 – Antlerless Elk

392-01: 200 B Licenses. Valid entire district. Not Valid on National Forest lands or FWP WMAs

- November 30 – February 15 – Antlerless Elk

HD 393 East Bridger

General Elk License

- November 30 – February 15 – Antlerless Elk Only. Not Valid on National Forest lands or FWP WMAs

Elk B License. Purchase beginning August 3

393-01: Unlimited. One per hunter. Not Valid on National Forest lands or FWP WMAs

- November 30 – February 15 – Antlerless Elk

Region 4 (East side of the Big Belts and the Castle Mountains, and Missouri River Breaks):

HD 410 Missouri River Breaks

Elk Permit. Drawing only. Apply by March 16

410-20: 100 permits

- January 01 – February 15 – Either-sex Elk. Not valid on CMR Refuge

Elk B License. Drawing only. Apply by June 1

410-00: 800 B Licenses

- January 01 – February 15 – Antlerless Elk. Not valid on CMR Refuge

HD 445 Hound Creek

General Elk License

- November 30 – February 15 – Antlerless Elk Only. Not Valid on National Forest lands or FWP WMAs

Elk Permit. Drawing only. Apply by March 16

445-20: 40 permits. Not valid on National Forest lands or FWP WMAs

- November 30 - February 15 - Either-sex Elk

Elk B License. Drawing only. Apply by June 1

004-00: 4500 B Licenses. Not valid on National Forest lands or FWP WMAs

- November 30 – February 15 – Antlerless Elk

HD 446 Northeast Big Belt Mountains

General Elk License

- November 30 – February 15 – Antlerless Elk Only. Not Valid on National Forest lands or FWP WMAs

Elk B License. Drawing only. Apply by June 1

004-00: 4500 B Licenses. Not valid on National Forest lands or FWP WMAs

- November 30 – February 15 – Antlerless Elk

HD 449 Castle Mountains East

General Elk License

- November 30 – February 15 – Antlerless Elk Only. Not Valid on National Forest lands or FWP WMAs

Elk B License. Drawing only. Apply by June 1

004-00: 4500 B Licenses. Not valid on National Forest lands or FWP WMAs

- November 30 – February 15 – Antlerless Elk

HD 452 Castle Mountains West

General Elk License

- November 30 – February 15 – Antlerless Elk Only. Not Valid on National Forest lands or FWP WMAs

Elk B License. Drawing only. Apply by June 1

004-00: 4500 B Licenses. Not valid on National Forest lands or FWP WMAs

- November 30 – February 15 – Antlerless Elk

Chairman Vermillion asked if there is any reasonable public access during the general season in HD 312, are the landowners in the southern two-thirds of the district who presently don't allow access in the general season, going to participate in the shoulder season, and could a management season in the northern one-third of the HD be held in December.

Howard Burt, Region 3 Wildlife Manager, explained there is some public access on the northern end of the HD but it is fairly restricted; the southern two-thirds would be difficult to get public access; a management season could be done.

Chairman Vermillion asked if the ranches in HD 390 would allow public access during the shoulder season.

Burt explained there has been limited conversations, they have allowed some access but access will be restrictive.

Chairman Vermillion asked what the harvest is like in HD 391 during the general season.

Burt explained harvest has been limited because of access; currently working with landowners to try and improve access.

Chairman Vermillion and Burt discussed HD 393 public access during the 2015 general season and elk movement and elk management units in HD 392 and 445.

Chairman Vermillion stated he cannot support HD's 312, 390, 391, and 393 shoulder seasons for the 2015 season, but will consider for the tentative 2016-17 season setting process; more ground work needs to be done.

Commissioner Wolfe and Vore discussed general elk license holder's participation in all 10 HD, and the Commission's authority to close the shoulder season in a certain district prior to the February 15 deadline if necessary.

Commissioner Wolfe, Vore and Gary Bertellotti, Region 4 Supervisor discussed bull take during the general season and bull opportunity during the shoulder season in HD 410 and 445.

Vice-Chairman Stuker asked how many either-sex tags are issued in HD 410.

Bertellotti stated 100 either-sex permits are issued.

Action: *Vice-Chairman Stuker moved and Commissioner Tourtlotte seconded the motion that the Commission adopt for public comment a 2015-16 late-season shoulder season pilot project including the following hunting district(s): 392, 445, 446, 449, 452 and 410.*

Amended Action: *Commissioner Wolfe moved and Vice-Chairman Stuker seconded to amend the motion in Hunting District's 410 and 445, the either-sex permits be converted to antlerless only during the shoulder season.*

Commissioner Wolfe stated he recognizes this amendment will not have a biological impact on the herds, but he heard very clearly from the general public they are opposed to hunting bull elk during the late season.

Chairman Vermillion asked for public comment.

Paul Rossignol, MTSFW, should have trial season, will help things get organized; encourages the Department to work with landowners who harbor elk to participate in the shoulder season; will there be enough hunters to participate.

Director Hagener stated the harvest success in the proposed HDs is less than 20 percent; the Department feels there will be enough hunters to participate.

Rod Bullis, HHA, supports the amended motion.

Tim Aldrich, Missoula, worried about the Department maintaining the support from the public, need to do this right; concerned the pilot project is not included in the current regulation book, need to make sure the public is aware of the pilot project.

Vore stated a press release will be sent out and a public information campaign would be done.

Commissioner Wolfe stated where/if the pilot project is perceived to deviate from the guidelines; approach the public perception by stating it is strictly a pilot project that will sunset on February 15, 2015.

John Borgreen, Russell Country Sportsmen (RCS)/DKWG, appreciates the Departments hard work, especially in HD 445; supports the amended motion.

Nick Gevok, MWF, need to scrutinize the limited access problems during the general season; supports proposal as a learning project.

Bob Ream, Helena, supports the proposal, particularly HD 445; commends Chairman Vermillion for not tiptoeing around the issue.

Vice-Chairman Stuker stated some landowners in HD 410 who have not allowed hunting in the past, will open their land for the last three weeks during the general seasons and will participate in any shoulder seasons.

Chairman Vermillion stated if the landowners in HD 410 come together and recognize the way they are managing access on their land is causing problems on their neighbors land, and if a solution for harvest during the general season is found, he would rescind his comments about being skeptical.

Vice-Chairman Stuker asked how the 1,170 elk in HD 700 are distributed and is there any benefit in splitting the HD.

Chairman Vermillion stated he spoke with Brad Schmitz, Region 7 Supervisor, who said the Region has been getting the harvest necessary to keep the distribution fairly uniform.

Director Hagener stated Jay Kolbe, FWP Wildlife Biologist, and John Lesofski, FWP Warden, have worked hard in HD 446, 452 and 449 in getting 1,000+ acres enrolled in Block Management this year; landowners are starting to understand the problems and are starting to open up access on their land during the general season, in hopes to get a shoulder season to help with the elk populations.

Chairman Vermillion thanked the Department and the landowners in HD 410 for coming up with a solution; there are districts over objective in Region 3 but there are other tools available to use this fall; it is appropriate to do it this way now; the districts can be added into the tentative process for the 2016-17 hunting season.

Action on Amended Motion: Motion Passed.

24. Public Comment – For Issues Not On This Agenda

Nick Gevok, MWF, Land and Water Conservation Fund is very essential to Montana; requests the Commission send a letter to the congressional delegation.

Chairman Vermillion stated the Commission would be amenable to writing a letter to the appropriate individuals.

Director Hagener stated Representative Bishop from Utah chairs the committee, and is the main person who is it holding back.

Action: Vice-Chairman Stuker moved and Commissioner Tourtlotte seconded the motion to adjourn the meeting. Motion Passed.

The meeting adjourned at 4:52 p.m.



Dan Vermillion, Chairman

M. Jeff Hagener, Director